

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TAMMY MANNING and MATTHEW  
MANNING, individually; BRYANNE  
BURTON, individually and as Parent and  
Natural Guardian of MB and JM;  
AMANDA GRONDIN, individually and as  
Parent and Natural Guardian of EG;

Plaintiffs,

v.

WPX ENERGY APPALACHIA, LLC; WPX  
ENERGY INC.; and THE WILLIAMS  
COMPANIES, INC.;

Defendants.

CIVIL ACTION NO. 3:12-cv-646

(JUDGE CAPUTO)

**MEMORANDUM ORDER**

In an April 11, 2012 Memorandum and Order, the Court directed the Plaintiffs to file an amended complaint properly alleging the existence of diversity jurisdiction. In their Amended Complaint, the Plaintiffs have failed to comply with this directive. Specifically, the Plaintiffs have made no attempt to properly allege the existence of diversity jurisdiction as to Defendant WPX Energy Appalachia, LLC.<sup>1</sup> See *Manning v. WPX Energy Appalachia, LLC*, 3:12-CV-646, 2012 WL 1205851 (M.D. Pa. Apr. 11, 2012). As such, the Plaintiffs will be given one further opportunity in which to file a second amended complaint. A failure to do so properly will result in the dismissal of this action.

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<sup>1</sup>Plaintiffs allege that “WPX ENERGY APPALACHIA LLC, was and is a Delaware corporation, with its headquarters and principal place of business located at Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.” (Am. Compl. at ¶ 8, Doc. 4.) However, LLC denotes not a corporation, but a limited liability company, and “the citizenship of an LLC is determined by the citizenship of its members.” *Zambelli Fireworks Mfg. Co. v. Wood*, 592 F.3d 412, 420 (3d Cir. 2010).

An appropriate order follows.

May 4, 2012  
Date

/s/ A. Richard Caputo  
A. Richard Caputo  
United States District Judge